

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04001

1 WHEREAS, U.S. Cellular Wireless Communications has submitted an
2 application designated as Special Permit No. 04001 for authority to construct a 155 foot
3 monopole for wireless facilities, with waivers to the required fall zone and landscaping,
4 on property generally located one-half mile north of the intersection of North 70th Street
5 and Fletcher Avenue, and legally described to wit:

6 Lot 10 I.T. in the Southwest Quarter of Section 34, Township
7 11 North, Range 7 East of the 6th P.M., Lancaster County,
8 Nebraska;

9 WHEREAS, the real property adjacent to the area included within the site
10 plan for this 155 foot tall monopole will not be adversely affected; and

11 WHEREAS, said site plan together with the terms and conditions
12 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
13 Municipal Code to promote the public health, safety, and general welfare.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
15 Lincoln, Nebraska:

16 That the application of U.S. Cellular Wireless Communications,
17 hereinafter referred to as "Permittee", to construct a 155 foot monopole for wireless
18 facilities, on the property legally described above, be and the same is hereby granted
19 under the provisions of Section 27.63.720 of the Lincoln Municipal Code upon condition
20 that installation of said wireless communication tower be in strict compliance with said

1 application, the site plan, and the following additional express terms, conditions, and
2 requirements:

3 1. This permit approves:

4 a. A 155 foot monopole tower for wireless facilities capable of
5 accommodating at least five wireless carriers consistent with
6 the revised site plan.

7 b. A waiver of the landscaping required by Section
8 27.68.110(a) of the Design Standards for Zoning, provided
9 that if the existing trees on the adjacent property are
10 removed they must be replaced on site.

11 2. Before receiving building permits:

12 a. The construction plans must conform to the approved plans.

13 b. The Permittee must submit a surety approved by the City
14 Attorney in an amount adequate to guarantee the removal of
15 the facility.

16 3. Before use of the facility, all development and construction must be
17 completed in conformance with the approved plans.

18 4. All privately-owned improvements must be permanently maintained
19 by the Permittee.

20 5. The site plan approved by this permit shall be the basis for all
21 interpretations of setbacks, yards, locations of buildings, locations of parking and
22 circulation elements, and similar matters.

23 6. The terms, conditions, and requirements of this resolution shall be
24 binding and obligatory upon the Permittee, its successors, and assigns. The building
25 official shall report violations to the City Council which may revoke the special permit or
26 take such other action as may be necessary to gain compliance.

27 7. The Permittee shall sign and return the City's letter of acceptance

1 to the City Clerk within 30 days following approval of the special permit, provided,
2 however, said 30-day period may be extended up to six months by administrative
3 amendment. The City Clerk shall file a copy of the resolution approving the special
4 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
5 paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor